

Exhibit 2

The Law Office of Jack Fitzgerald, PC

Hillcrest Professional Building | 3636 Fourth Avenue, Suite 202 | San Diego, California 92103

Phone: (619) 692-3840 | Fax: (619) 362-9555

www.jackfitzgeraldlaw.com

October 22, 2015

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Nutiva, Inc.
c/o John Roulac
Chief Executive Officer & Registered Agent
213 W. Cutting Blvd.
Richmond, CA 94804

Re: Notice of Violations of the California Consumers Legal Remedies Act, the Magnuson Moss Warranty Act, and Breaches of Express and Implied Warranties; Demand to Remedy Violations and Breaches; and Notice of Duty to Preserve Evidence

Dear Mr. Roulac and Whomever Else it May Concern:

Together with the Law Office of Paul K. Joseph, PC, we represent California consumers Alan Ducorsky and Preston Jones, who purchased Nutiva's Virgin Coconut Oil (the "Product") for their own, household use. On behalf of Mssrs. Ducorsky and Jones, and a class of consumers who purchased the Product, we write to notify Nutiva, Inc. of its violations of the California Consumers Legal Remedies Act, Cal. Civ. Code §§ 1750 *et seq.*, the Magnuson Moss Warranty Act, 15 U.S.C. §§ 2301 *et seq.*, and additional breaches of express and implied warranties in connection with its sale of the Product, which was and remains deceptively labeled. Finally, we write to notify Nutiva of its duty to preserve relevant evidence.

Nutiva deceptively advertises and markets the Product as healthy, by claiming on the label of the Product that it is "one of the world's most nourishing foods." Nutiva further claims that the Product is an "organic superfood" that is "better than butter" and "a nutritious substitute in baking." To reinforce this misleading health message, Nutiva claims that the Product contains "100% less cholesterol than butter," and contains 62% medium chain triglycerides (MTCs) along with lauric and caprylic acids," among other things. These claims, taken individually and in context of the label as a whole, are false and misleading because Product contains dangerous amounts of saturated fat, the consumption of which causes morbidity including heart disease and stroke.

Notice of Violation of Cal. Civ. Code §§ 1750 *et seq.*

Pursuant to Cal. Civ. Code § 1782(a), Mr. Ducorsky and Mr. Jones hereby notify Nutiva that its advertising and labeling of the Product violates at least the following provisions of section 1770 of the California Consumers Legal Remedies Act:

- § 1770(a)(5): representing that goods have characteristics, uses, or benefits which they do not have;

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- § 1770(a)(7): representing that goods are of a particular standard, quality, or grade if they are of another;
- § 1770(a)(9): advertising goods with intent not to sell them as advertised; and
- § 1770(a)(16): representing the subject of a transaction has been supplied in accordance with a previous representation when it has not.

Mr. Ducorsky and Mr. Jones, on behalf of themselves, other purchasers of the Product, and the general public, hereby demand that Nutiva correct, repair, replace, or otherwise rectify the Product's advertising and labeling, which is in violation of § 1770. Specifically, Mr. Ducorsky and Mr. Jones demand that Nutiva: (1) provide individuals who purchased Nutiva's Virgin Coconut Oil refunds if they make a claim after notice; (2) discontinue representing though any words or phrases that the Product is healthy; and (3) engage in a corrective advertising campaign to alert previous purchasers that claims regarding the Product were false or misleading.

If Nutiva does not, within 30 days after receiving this letter, initiate these corrective actions, Mr. Ducorsky and Mr. Jones may, on behalf of themselves and others, bring claims against Nutiva under the California Consumers Legal Remedies Act for actual and punitive damages.

Notice of Violation of 15 U.S.C. §§ 2301 *et seq.* and additional Breaches of Warranties

In addition, Mr. Ducorsky and Mr. Jones further notify Nutiva that through the labeling statements discussed above, it has violated the Magnuson Moss Warranty Act 15 U.S.C. §§ 2301 *et seq.* as well as breached additional State express and implied warranties. Specifically, through the labeling claims discussed above, Nutiva expressly affirmed and promised that the Product is healthy, and this formed part of the basis of the bargain for these purchases. Nutiva breached these warranties by selling a Product that is not healthy or wholesome but rather contains dangerous amounts of saturated fat.

To rectify these warranty breaches, Nutiva must refund purchasers of the Product the amounts they spent on the Product.

Notice of Duty to Preserve Evidence


"The duty to preserve evidence is triggered when litigation is pending or reasonably foreseeable, at which time a party is required to preserve all relevant evidence and put into place a litigation hold to preserve relevant documents." *Net-Com Servs. v. Eupen Cable USA, Inc.*, 2013 U.S. Dist. LEXIS 109810, at *6-7 (C.D. Cal. Aug. 5, 2013) (citations omitted). Mr. Ducorsky and Mr. Jones accordingly notify Nutiva of its duty to preserve evidence relevant to the potential litigation that he may initiate if Nutiva does not undertake the steps demanded herein. Nutiva should preserve all relevant hard copy and electronic documents and information, including without limitation, communications and other documents concerning the Product's manufacture, labeling, packaging, advertising, marketing, distribution, inventory, and sales, currently in Nutiva's possession, custody, or control.

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Although Mr. Ducorsky and Mr. Jones will permit Nutiva a reasonable time to review this letter and demonstrate that an early resolution may be possible, absent some reasonable indication that Nutiva intends to remedy the wrongs described herein without delay, Mr. Ducorsky and Mr. Jones intend to file a class action in the United States District Court.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'J. Fitzgerald', is written over the typed name.

Jack Fitzgerald

cc: Paul K. Joseph